

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
ALTA PARTNERS, LLC,	:	
	:	
Plaintiff,	:	24-CV-373 (JMF)
	:	
-v-	:	<u>ORDER</u>
	:	
SAFETY SHOT, INC.,	:	
	:	
Defendant.	:	
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JESSE M. FURMAN, United States District Judge:

On April 23, 2024, Defendant filed a motion for judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure. The next day, Plaintiff filed a motion to strike a defense asserted in Defendant's answer. Under Rule 15(a)(2), a plaintiff may amend a complaint with the court's leave, which should be freely given when justice so requires.

Accordingly, it is hereby ORDERED that Plaintiff is granted leave to amend and shall file any amended complaint by **May 14, 2024**. Pursuant to Paragraph 1.B. of the Court's Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>, any amended complaint should be filed with a redline showing all differences between the original and revised filing. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion under Rule 12; or (3) file a letter on ECF stating that it relies on its previously filed answer and motion for judgment on the pleadings. If Defendant files an answer or a new motion, the Court will deny the previously filed motion for judgment on the pleadings as moot. If Defendant files a new motion or indicates that

it relies on its previously filed motion for judgment on the pleadings, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

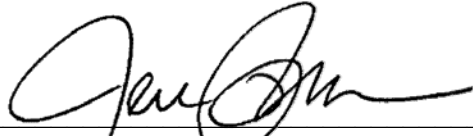
If Plaintiff files an amended complaint, its motion to strike will be denied as moot without prejudice to renewal if Defendant later relies on its previously filed answer or continues to assert the at-issue defense in any new answer.

If no amended complaint is filed, Plaintiff shall file any opposition to Defendant's motion for judgment on the pleadings by **May 14, 2024**. Defendant's reply, if any, shall be filed by **May 21, 2024**. If Plaintiff opposes the motion for judgment on the pleadings, at that time, the Court will set a concurrent briefing schedule for Plaintiff's motion to strike.

Finally, it is further ORDERED that the initial pretrial conference previously scheduled for May 7, 2024 is adjourned *sine die*.

SO ORDERED.

Dated: April 25, 2024
New York, New York



JESSE M. FURMAN
United States District Judge